



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS  
SEATTLE OFFICE  
February 16, 2010

Dr. Maria Goodloe-Johnson  
Superintendent  
Seattle School District No. 1  
P.O. Box 34165  
Seattle, Washington 98124-1165

Re: Seattle School District No. 1  
OCR Reference No. 10091258

Dear Superintendent Goodloe-Johnson:

The U.S. Department of Education, Office for Civil Rights (OCR) has completed its investigation of the above referenced complaint filed against Seattle School District No. 1. The complaint alleged that the district discriminated against Native American students, on the basis of race, by re-assigning and requiring Native American children who previously attended Cooper Elementary School to attend Pathfinder, an alternative K-8 school.

OCR conducted its investigation under the authority of title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, or national origin in programs and activities receiving federal financial assistance from the U.S. Department of Education. The district is a recipient of federal financial assistance from this Department and, therefore, is subject to Title VI and its implementing regulation.

As explained below, the evidence was insufficient to establish that the district discriminated on the basis of race under Title VI with respect to the issue investigated. The specific findings of fact and analysis and conclusions set forth below are based on a review and analysis of written information provided by the complainant and the district, district records, and interviews with the complainant and district staff.

Findings of Fact

1. On January 29, 2009, the Seattle School Board voted to close Cooper Elementary School (Cooper), a regular K-5 school, at the end of the 2008-2009 school year, and to use the building for Pathfinder K-8 School (Pathfinder), an alternative school. At the same meeting, the school board approved an amendment that, among other things, determined that,

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"students who live within the Cooper walk zone would remain at the Cooper location and be incorporated into Pathfinder."

2. The complaint alleged that Cooper's three Native American students, who all live within the walk zone, were the only Cooper students assigned by the district to Pathfinder for the 2009-2010 school year. The complaint also identified Cooper students who are not Native American who allegedly lived within the walk zone, but were not assigned to Pathfinder.
3. Pathfinder K-8 is the district's only alternative school in West Seattle. The Pathfinder website states that it has multi-aged classrooms, honors Native traditions throughout the school, and is committed to expeditionary learning and environmental education. Pathfinder's website also states, "We do not have a 'reference area' and, according to District policy, no students are assigned to Pathfinder K-8." The district's alternative school policy also indicates that, "Students and families have informed themselves about an alternative school and requested placement."
4. The district's Manager of Enrollment and Planning Services (Manager) explained that Cooper students who resided outside the walk zone in 2008-2009 were assigned to other K-5 schools, not to Pathfinder, for 2009-2010.
5. The Manager also explained that students were placed at Pathfinder for 2009-2010 based solely on parent choice, with two exceptions. The first exception was students who were placed by special education services into an autism inclusion program in the building with Cooper in 2008-2009 and remained in the same building when Pathfinder moved into the building in 2009-2010. The Manager explained that special education services, not enrollment services, makes decisions about where programs for disabled students that are not in regular education settings are located, and where those disabled students' individual education programs (IEPs) will be implemented.
6. The second exception to parent choice placement at Pathfinder were students in grades K-4 who were assigned to Pathfinder for 2009-2010 because they had attended Cooper in 2008-2009 and were identified as living within the walk zone. The manager explained that Cooper students who were in the fifth grade in 2008-2009, including those that lived in the walk zone, were not assigned to Pathfinder because they were included in the district's 2009-2010 open enrollment and assignment process for middle schools, which are grades 6-8.

7. On January 29, 2009, the district identified eight Cooper students in grades K-4 and initially assigned them to Pathfinder for the 2009-2010 school year because their addresses indicated residency in the walk zone. The races of these students are as follows: two Native American, two African-American, two Hispanic, and two Caucasian.
8. The district provided OCR with student enrollment data regarding students enrolled at Cooper in 2008-2009 and the Cooper students enrolled at Pathfinder for 2009-2010. The information identified students by race, grade, address, and status as special education students.
9. The district's school walk zones are established by a committee of both district and city of Seattle traffic safety personnel. The walk zone for Cooper Elementary School in 2008-2009 was unchanged for Pathfinder K-8 in 2009-2010. OCR was provided a map of the walk zone, which is also publicly available online.
10. Based on the data provided by the district, OCR identified four additional students that had residency addresses within the walk zone, all of whom were identified as Asian-American, that were not assigned to Pathfinder. The Manager explained that those four students were eligible for bus transportation because they resided at two addresses on Delridge Way SW, a major arterial just within the western boundary of the walk zone. Because the district's computer identified students as being within the walk zone by excluding students who were eligible for bus transportation, the computer did not identify those four students as being within the walk zone. OCR did not find Cooper students of any other races that resided within the walk zone on Delridge Way SW.
11. Regarding the Cooper students that the complainant identified as not Native American who lived in the walk zone and were not assigned to Pathfinder, OCR did not find that they had residency addresses within the walk zone.

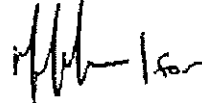
#### Analysis and Conclusion

The issue OCR investigated was whether the district discriminated on the basis of race by assigning Native American students to Pathfinder Elementary School for the 2009-2010 school year in violation of Title VI.

Page 5 - OCR Reference No. 10091258

We are closing this case as of the date of this letter. Thank you for the cooperation extended to my staff during the investigation of this complaint. If you have any questions regarding this letter, please contact Mr. Robbin Favela, equal opportunity specialist, at (206) 607-1608 or by e-mail at [robbin.favela@ed.gov](mailto:robbin.favela@ed.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Joan D. Rubin".

Joan D. Rubin  
Chief Attorney

cc: Honorable Randy Dorn  
Superintendent of Public Instruction